IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 2951 of 2006
Date of decision October 13, 2011

State of Haryana through Collector, Bhiwani, District Bhiwani

..... Petitioner

Versus

Smt. Nirmla Devi and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present:- Mr. K. C. Gupta, Senior DAG., Haryana
for the petitioner.

None for the respondents.

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1. Whether reporters of local papers may be allowed to see the judgment ?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

K. Kannan, J (oral).

1. The Civil revision is against the dismissal of the petition filed under Section 5 of the Limitation Act to condone the delay of eight months in preferring the appeal. The appeal was against the final decree in a partition action. The Court had observed that the final decree itself was subsequent to the preliminary decree and there was no appeal against the preliminary decree itself. The Court also did not find any justifiable reason to condone the delay of eight months. In a case where a preliminary decree was passed without any contest and there had been no objection, there is again no reason to reopen the matter afresh. I have not been shown any particular prejudice caused by the passing of final decree. There is no attempt made even at the stage of revision to explain the delay.

The discretion has been properly exercised by the Appellate Authority and I find no reason to interfere with the same.

2. The Civil revision is dismissed.

(K. KANNAN)
JUDGE

October 13, 2011
archana